

ENTERED

December 21, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

OTHON ROBLEDO-CRUZ

§

Petitioner

§

VS.

§

UNITED STATES OF AMERICA

CIVIL ACTION NO. 1:18-CV-167

§

Respondent

§

ORDER ADOPTING REPORT & RECOMMENDATION

On October 25, 2018, the United States Magistrate Judge filed a Report and Recommendation (Doc. 5) in this case, recommending dismissal of Plaintiff Othon Robledo Cruz's Motion under 28 USC § 2255 to Vacate, Set Aside, or Correct Sentence by Person in Federal Custody (Doc. 1). In the Report and Recommendation, the Magistrate Judge notified Mr. Robledo that under 28 U.S.C. § 636(b)(1), failure to file objections within fourteen days of receipt of the Report and Recommendation would bar a *de novo* determination by the District Judge of an issue covered in the report.

On November 13, 2018, Mr. Robledo filed a Motion (Doc. 9) requesting additional time to present his objections, noting that limited access to the library prevented him from meeting the fourteen-day requirement. On December 7, 2018, Mr. Robledo filed objections to the Report and Recommendation. (Doc. 10).

The Court **GRANTS** Mr. Robledo's Motion requesting additional time to file objections to the Report and Recommendation, and will consider the arguments he presents in his objections filed on December 7, 2019.

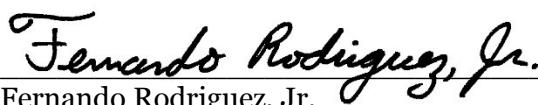
Having conducted a *de novo* review of the Report and Recommendation and the arguments raised in Mr. Robledo's objections, along with the record in this case and the applicable law, the Court finds that the Report and Recommendation correctly applies the law to

the facts of this case. Accordingly, the Court **ADOPTS** the Report and Recommendation, and it is:

ORDERED that Petitioner Othon Robledo-Cruz's Motion to Vacate, Set Aside or Correct his Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) is **DENIED** as meritless.

The issuance of a Certificate of Appealability is denied.

SIGNED this 21st day of December, 2018.



Fernando Rodriguez, Jr.
United States District Judge